

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID SELECKY,	:	No. 1:22cv1982
Plaintiff	:	
	:	(Judge Munley)
v.	:	
	:	(Magistrate Judge Carlson)
MARTIN O'MALLEY,	:	
Commissioner of Social Security¹	:	
Defendant	:	

ORDER

Presently before the court is the Report and Recommendation ("R&R") of Magistrate Judge Martin C. Carlson recommending that the decision of the Commissioner of Social Security ("Commissioner") be affirmed. (Doc. 12). No objections to the R&R have been filed and the time for such filing has passed.

In deciding whether to adopt the report and recommendation when no timely objection is filed, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b), 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Accordingly, pursuant to Federal Rule of Civil Procedure 25(d) and 42 U.S.C. § 405(g), Commissioner O'Malley is substituted for Kilolo Kijakazi as the defendant in this action.

recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, the court finds neither clear error on the face of the record nor a manifest injustice, and therefore, the court shall accept the R&R and adopt it in its entirety. Accordingly, it is hereby **ORDERED** as follows:

- 1) The R&R (Doc. 12) is **ADOPTED** in its entirety;
- 2) The decision of the Commissioner is **AFFIRMED**;
- 3) Plaintiff's appeal of the final decision of the Social Security Administration (Doc. 1) is **DENIED**; and
- 4) The Clerk of Court is directed to close this case.

Date: 3/29/24

BY THE COURT:

JUDGE JULIA K. MUNLEY
United States District Court